

**Springerville Planning & Zoning Commission
Regular Meeting Minutes
March 11, 2009**

Present: Gary Deery, Robert MacKenzie, Ron Cavanaugh Dan Muth

Staff: Larisa Bogardus, Zoning Administrator; Animal Control Officer Dennis Gilliam

Public: Kevin Burk, Wayne Kinman, Deborah Watkins, Theresa Perry, Jim Muth,
Raymond Morales, Council Liaison Bill Lucas, Patricia Reza

1. CALL TO ORDER

Vice Chairman Robert Mackenzie called the meeting to order at 7:00 p.m.

Roll Call: Present: Gary Deery
Robert MacKenzie
Ron Cavanaugh
Dan Muth

PUBLIC PARTICIPATION: None. Commissioner Muth declared a conflict of interest on Item 5.

ADMINISTRATION

2. **MINUTES:** Muth/Cavanaugh motion to approve the minutes of regular meeting held Feb. 11, 2009. Passed 4-0.
3. **ZONING ADMINISTRATOR'S REPORT:** Ms. Bogardus said the Town is starting to plan its budget for 2009-10. Council has asked staff to initiate discussions regarding annexation. If an annexation is filed, P&Z will be a part of the process. The Town permitted 12 new housing units last year, down slightly from the record high of 14 the previous year.
4. **LIAISON REPORTS:** Commissioner MacKenzie said the RV parks ordinance was passed by council and will take effect April 4. Councilman Lucas added that the C-2 ordinance was passed as well.

OLD BUSINESS

5. **REZONE:** DConsider an application by Tad Prochnow to rezone parcel 105-21-133A from AG to AR-20 and approximately one acre to R1-7 so that it can be split. Commissioner Cavanaugh asked to table the matter as he had not had the opportunity to visit the property. Jim Muth, representing the application, objected, saying the rezone had been posted and advertised for some time. Ms. Bogardus said the change is a good fit as it makes the property consistent with surrounding zoning. Derry/MacKenzie motion to approve. Passed 2-1, with Commissioner Cavanaugh opposed and Commissioner Muth abstaining due to a conflict of interest.

CUP 2009-C001: Consider an application by Theresa Perry for a conditional use permit to house more than 4 dogs from time to time at 108 N. C St. (parcel 105-42-001).

Wayne Kinman said the applicant moved in last summer and barking was a problem, but it was corrected at the time. When the house was replaced after a fire, the dogs were moved closer to his house and the barking became a problem again. Now the applicant has 5 or 6 dogs that bark at everything. He is also concerned about the health and sanitary issues associated with feces, flies and odors. Safety is also a concern. The dogs have been aggressive against him and each other. He also asked if the dogs were licensed and vaccinated; and mentioned that deed restrictions would prohibit operation of a kennel. He has done some research and Springerville is generous by allowing 4 pets, the average is 1.9. Locally Show Low is the most restrictive at 3. Mr. Burk asked if the permit was for a kennel. Ms. Bogardus said no, because kennels are prohibited in residential zones. Ms. Perry said 3 of the dogs belong to her boyfriend who lives in Witch Wells, but visits regularly. He also travels on a regular basis and she keeps his dogs when he is away. She built a privacy fence and brought the dogs in last summer, but does not want the dogs in her new house. She doesn't like the noise either; the dogs are kennelled when she is at work, and if they bark in the evenings, she kennels them again. She also cleans up the feces on a regular basis. They are all licensed and vaccinated.

Officer Gilliam said he monitored the dogs for 2 hours one evening and they barked for a minute or two when he first arrived, but not after that. Mr. Kinman said the dogs bark at every passer-by and behave aggressively.

Commissioner Muth clarified that only 3 dogs belong to Ms. Perry, and said he questioned whether a permit was necessary. He asked how often Ms. Perry keeps her boyfriend's dogs. She said it is sporadic. The couple has been together 5 years and is likely to move in together permanently at some point. Commissioner Deery asked if her boyfriend could find another caregiver for his dogs. She said he has no friends in Witch Wells.

Commissioner Cavanaugh said he was very impressed with the kennel arrangement, but expressed concern about shade. Ms. Perry said the kennels are ventilated and provide shade. Commissioner Cavanaugh asked if the concern was because the dogs are kept in a different area. Mr. Kinman said the noise is an issue.

Commissioner Cavanaugh asked if the dogs could be moved. Ms. Perry said it would be impractical because the house is in a different place.

Cavanaugh/Deery motion to approve the permit without conditions. Failed 2-2, with Commissioners MacKenzie and Muth opposed.

MacKenzie/Muth motion to table the matter to the next meeting. Passed 3-1, with Commissioner Deery against.

6. **CUP 2009-002:** Consider an application by Todd Boles for a conditional use permit to erect a fence taller than 4 feet at 325 S. Papago (parcel 105-21-060A). Ray Morales said he was representing the applicant. Deborah Watkins asked if barbed wire was allowed. Ms. Bogardus said the barbed wire fence replaced an existing barbed wire fence and was "grandfathered." It was noted that the permit would be for the pole and wire fence. Deery/Cavanaugh motion to approve the permit with conditions. Passed 4-0.

MASTER PLAN: Discuss developing policies and interpretations associated with the municipal master plan.

Ms. Bogardus asked Commissioner Muth to address this item. He said the updated 2007 master plan addresses green space, but not growth and development, which was included in the original 1995 master plan. He feels the two documents should be merged to address all the community's needs.

Commissioner Cavanaugh suggested a work session to review the documents. Ms. Bogardus said she had included copies of the 1995 plan and was working on getting copies of the 2007 plan. The regular work session date is March 25 and packets will be ready by the end of next week.

10. ADJOURNMENT: Muth/Cavanaugh motion to adjourn. Passed 4-0.

The meeting adjourned at 7:50 p.m.

Leah Chavez, Chairman